

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STRAIGHT THROUGH PROCESSING,
INC.,

Plaintiff,

v.

AMERICERT, INC., et al.,

Defendants.

CASE NO. C05-995JLR

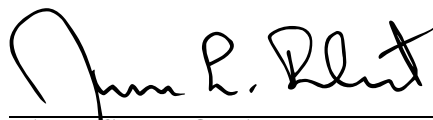
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This matter was tried to a jury beginning on November 13, 2007. Plaintiff Straight Through Processing, Inc. ("STP") was represented by Margaret M. Boyle and Julie Wiediger of the Axios Law Group. Defendants AmeriCERT, Inc. ("AmeriCERT") and Robert Maillet were represented by Robert S. Wolfe of Robert Wolfe Associates. The parties reserved STP's claim for unjust enrichment for the court. At the conclusion of the case, the court took the claim for unjust enrichment under advisement. The jury found for Defendants on Plaintiff's claims and for Plaintiff on Defendants' counter-claims. The court has considered the evidence and exhibits admitted at trial and counsels' arguments.

1 Being fully advised, the court makes its Findings of Fact and Conclusions of Law as
2 follows:

- 3 1. This court has jurisdiction pursuant to 28 U.S.C. § 1332.
- 4 2. The parties have stipulated that the law of Washington applies to this dispute.
- 5 3. Under Washington law in order to establish a claim for unjust enrichment STP
6 must prove: (1) a benefit conferred upon AmeriCERT and Mr. Maillet by STP;
7 (2) an appreciation or knowledge by AmeriCERT and Mr. Maillet of the benefit;
8 and (3) the acceptance or retention by AmeriCERT and Mr. Maillet under such
9 circumstances as to make it inequitable for AmeriCERT and Mr. Maillet to retain
10 the benefit without payment of its value. *See Bailie Commc'ns., Ltd. v. Trend Bus.*
11 *Sys., Inc.*, 810 P.2d 12, 18 (Wash. Ct. App. 1991).
- 12 4. The court finds that STP did not confer a benefit on AmeriCERT and Mr. Maillet
13 by purchasing software licenses in AmeriCERT's name.
- 14 5. Even if the court were to find that such a benefit was conferred and that
15 AmeriCERT and Mr. Maillet had knowledge and appreciation of the benefit, STP
16 failed to prove that AmeriCERT and Mr. Maillet accepted or retained the benefit
17 under circumstances that would make it inequitable for them to retain the benefit
18 without paying for its value.
- 19 6. The court finds for AmeriCERT and Mr. Maillet on STP's claim of unjust
20 enrichment.

21 DATED this 20th day of November, 2007.

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JAMES L. ROBART
United States District Judge